

**REMARKS**

Claims 4 and 12 have been canceled. Claims 2, 5-8, 10, and 13-16, and amended claims 1, 3, 9, 11, and 17 are in this application.

The Examiner stated that the title of the invention is not descriptive and that a new title is required.

The title has been amended herein.

Claim 17 was rejected under 35 U.S.C. 101 "because the claimed invention is directed to non-statutory subject matter."

Claim 17 as presented herein is believed to overcome the above 101 rejection. Accordingly, it is respectfully requested that the 101 rejection of claim 17 be withdrawn.

Claims 1-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tahara (U.S. Patent No. 5,963,256), in view of Johnston (U.S. Patent No. US 5,285,498).

Initially, it should be noted that features of dependent claim 4 have been somewhat incorporated into claim 1, and that features of dependent claim 12 have been somewhat incorporated into independent claims 9 and 17. In addition, independent claims 1, 9, and 17 have been amended herein to incorporate other features. As a result, and as an example, independent claim 1 now recites in part the following:

"in which the provisional-number-of-in-use-bits calculating means includes means for dividing data in the current frame into units of coding, means for normalizing data included in the units of coding using a number of scale factors, means for determining the provisional number of quantizing steps based on the number of scale factors, means for quantizing

normalized data obtained from the means for normalizing on the basis of the provisional number of quantizing steps obtained from the means for determining the provisional number of quantizing steps, and means for entropy coding quantized normalized data obtained from the means for quantizing normalized data and for obtaining the provisional number of in-use bits."

The above features are believed to be described in the present application. An example thereof is provided in Fig. 2 and line 20 of page 12 to line 17 of page 14 of the present application.

In explaining the above 103 rejection with regard to claim 4, the Examiner appears to rely on Johnston and in particular lines 67-68 of column 21 and Fig. 7 thereof to disclose some of the above features of claim 1. (See paragraph 11 on page 6 of the present Office Action.) It is respectfully submitted that such portions of Johnston do not appear to disclose the above features of claim 1. Although such portions of Johnston appear to illustrate and/or mention quantization, Huffman coding and scalar factors, such portions of Johnston do not appear to specifically disclose each of the items and in the same arrangement as in the above-identified features of claim 1.

Accordingly, it is respectfully submitted that claim 1 as presented herein is believed to be distinguishable from combination of Tahara and Johnston applied by the Examiner.

For reasons similar to those previously described with regard to claim 1, it is also respectfully submitted that amended independent claims 9 and 17 are also distinguishable from the applied combination of Tahara and Johnston.

Claims 2, 3, 5-8, 10, 11, and 13-16 are dependent from one of independent claims 1 and 9. Accordingly, it is also respectfully submitted that dependent claims 2, 3, 5-8, 10, 11 and 13-16 are distinguishable from the applied combination of

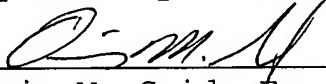
Tahara and Johnston for at least the reasons previously described.

As it is believed that all of the objections and rejections set forth in the Official Action have been overcome, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections and/or rejections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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